

AO 91 (Rev. 11/11) Criminal Complaint

Agent:

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Victor Hugo ROQUE-FERNANDEZ,

Case: 2:24-mj-30230

Assigned To : Unassigned

Assign. Date : 6/17/2024

Case No.

Description: RE: VICTOR HUGO
ROQUE-FERNANDEZ (EOB)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 17, 2024 in the county of Macomb in theEastern District of Michigan, the defendant(s) violated:*Code Section*

Title 8, United States Code, Section 1326(a)

Offense Description

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

On or about May 17, 2024, in the Eastern District of Michigan, Southern Division, Victor Hugo ROQUE-FERNANDEZ, an alien from Mexico, was found in the United States after having been denied admission, excluded, deported, and removed therefrom on or about March 1, 2014, at or near Dallas, Texas and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326 (a).

☒ Continued on the attached sheet.


Complainant's signature

Michael Everson, BPA

Printed name and title

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 17, 2024City and state: Detroit, MI


Judge's signature

Hon. David R. Grand, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Michael Everson, declare the following under penalty of perjury:

1. I am a Border Patrol Agent with the United States Department of Homeland Security, United States Border Patrol. I have been employed in this capacity since December 2011. Currently, I am assigned to the Detroit Border Patrol Station. The facts set forth herein are based upon my personal knowledge as well as information provided by other law enforcement officers to include Border Patrol Agents and record checks of law enforcement databases. I have also reviewed material from the official Immigration file and system automated data relating to Victor Hugo ROQUE-FERNANDEZ, which reveals the following:
2. ROQUE-FERNANDEZ is a thirty-two-year-old male, native and citizen of Mexico, who last entered the United States at or near an unknown place, on or about an unknown date without being admitted, inspected, or paroled by an Immigration Officer.
3. On or about October 30, 2007, ROQUE-FERNANDEZ was arrested by Border Patrol Agents near Monroe, MI. He was processed as a NTA and released on his own recognizance.
4. On December 28, 2009, ROQUE-FERNANDEZ was arrested in Manchester, New Hampshire for Disobeying a Police Officer and Resisting Arrest. He was convicted of Disobeying a Police Officer and Resisting Arrest on January 5, 2010, and was sentenced to 6 months' suspended sentence on the Disobeying Officer charge and 2 years on the Resisting Arrest charge. ROQUE-FERNANDEZ was arrested under the name of Victor Roque.
5. On August 7, 2011, ROQUE-FERNANDEZ was arrested in Manchester, New Hampshire for Hindering Apprehension and Disorderly Conduct. He was convicted of the offense on November 3, 2011, and was received a suspended sentence. The Disorderly Conduct charge was Nolle Prosequi.
6. On December 1, 2011, ROQUE-FERNANDEZ was ordered removed from the United States by an Immigration Judge in Detroit, MI.

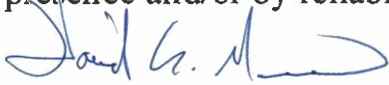
7. On March 13, 2012, ROQUE-FERNANDEZ was encountered and arrested by ICE officials in Bedford, New Hampshire.
8. On April 30, 2012, an Immigration Judge granted ROQUE-FERNANDEZ'S motion to reopen the removal case, and on May 21, 2012, he was granted bond out of immigration custody.
9. On September 30, 2013, ROQUE-FERNANDEZ was arrested in Manchester, New Hampshire for Possession of Cocaine, a felony offense. He failed to appear, and a warrant was issued for his arrest. The warrant remains outstanding. ROQUE-FERNANDEZ was arrested under the name of Victor Roque.
10. On November 25, 2013, the Immigration Judge ordered his removal, and he self-deported to Mexico, through Dallas, Texas, on March 1, 2014.
11. On May 17, 2024, ROQUE-FERNANDEZ was encountered by Detroit Border Patrol Agents following a request for assistance by Shelby Township Police Department. ROQUE-FERNANDEZ was involved in a car accident and fled the scene. He was eventually taken into custody. He was charged with fleeing the scene of a vehicular accident and driving without a license.
12. Victor Hugo ROQUE-FERNANDEZ'S fingerprints and photograph were captured and entered into the Automated Biometric Identification System (IDENT) and the Integrated Automated Fingerprint Identification System (IAFIS). The results revealed that ROQUE-FERNANDEZ is a citizen of Mexico with the foregoing immigration history who has been previously removed from the United States. The record checks did not provide any evidence that ROQUE-FERNANDEZ legally entered the United States or had been issued any document or status that would allow him to enter or remain the United States.
13. The aforementioned arrest and subsequent detention was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

14. Review of the Alien File (A# xxx xxx 580) for Victor Hugo ROQUE-FERNANDEZ and queries in Department of Homeland Security databases confirm no record exists of ROQUE-FERNANDEZ obtaining the express permission from the Attorney General or the Secretary of the Department of Homeland Security to re-apply for admission to the United States following his removal on March 1, 2014.
15. Based on the above information, I believe there is probable cause to conclude that Victor Hugo ROQUE-FERNANDEZ, is an alien, who had previously been convicted of a felony offense and who was found in the United States after removal, without the express permission from the Attorney General of the United States or from the Secretary of the Department of Homeland Security to re-apply for admission into the United States in violation of Title 8, United States Code, Section 1326(a).



Michael Everson, Border Patrol Agent
U.S. Department of Homeland Security

Subscribed and sworn to before me in my
presence and/or by reliable electronic means.



David R. Grand
United States Magistrate Judge

June 17, 2024